

Notice of Allowability	Application No.	Applicant(s)	
	09/923,081	ZOGG ET AL.	
	Examiner	Art Unit	
	Michael J. Moore, Jr.	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 8/15/07.
2. ☒ The allowed claim(s) is/are 1,3-12,14 and 16-21 (renumbered 1-18, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
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| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/15/07 has been entered.

Allowable Subject Matter

2. Claims **1, 3-12, 14, and 16-21** (*renumbered 1-18, respectively*) are allowed.

3. The following is an examiner's statement of reasons for allowance:

Regarding *amended* claim **1**, *Sinha et al. (U.S. 6,292,917) (hereinafter "Sinha")* teaches the unequal error protection transmission method shown in Figure 5 and spoken of on column 7, lines 1-20.

Sinha also teaches the separation of bits into *n* classes (important and less important bits) based upon error sensitivity (impact on perceived quality) as spoken of on column 2, lines 60-64.

Sinha also teaches the assigning of the classes of bits to *n* channels having interference characteristics (detected level of interference) such that the classes of bits having the greatest error sensitivity are transmitted over the channels which are the least susceptible to interference (higher quality of service level) as spoken of on column 2, lines 64-67.

Sinha also teaches the transmission of the n classes of bits over the n transmission channels 206 shown in Figure 5.

Sinha as well as the other prior art of record does not teach, “wherein an embedded function located between an application layer and a transport layer is configured to initiate the intercepting the application call initiating the file stream” and “wherein the embedded function is configured to identify important bits and less important bits within the file stream and to negotiate quality of service parameters for at least two streams” in combination with the other limitations of claim 1.

Regarding claims 3-9, these claims are further limiting to claim 1 and are thus also allowable over the prior art of record.

Regarding *amended* claim 10, *Sinha* teaches the unequal error protection system 200 shown in Figure 5.

Sinha also teaches the transmitter 202 and receiver 204 (network) of Figure 5.

Sinha also teaches the transmitter 202 connected (link) to receiver 204 via n communication channels 206 having interference characteristics (detected level of interference) as shown in Figure 5.

Sinha also teaches the classifier 212 (component) of Figure 5 that converts packets into separate bit streams corresponding to n different classes (different QoS) of information based upon error sensitivity (importance) spoken of on column 7, lines 1-9, as well as column 7, lines 47-57, which states that the classifier 212 may be implemented as one or more software programs executed in a processor.

Sinha as well as the other prior art of record does not teach “a software component for negotiating quality of service parameters with the network, the software component being located above a transport layer of the network, wherein the software component is configured to include an embedded function, the embedded function is configured to intercept an application call initiating a file stream” in combination with the other limitations of claim **10**.

Regarding claims **11 and 12**, these claims are further limiting to claim **10** and are thus also allowable over the prior art of record.

Regarding *amended* claim **14**, *Sinha* teaches the unequal error protection transmission method shown in Figure 5 and spoken of on column 7, lines 1-20.

Sinha also teaches the separation of bits into *n* classes (important and less important bits) based upon error sensitivity (impact on successful transmission) as spoken of on column 2, lines 60-64.

Sinha also teaches the assigning of the classes of bits (having gradations of importance) to *n* channels having interference characteristics (detected level of interference) such that the classes of bits having the greatest error sensitivity (importance) are transmitted over the channels which are the least susceptible to interference (lower detected level of interference) as spoken of on column 2, lines 64-67.

Sinha also teaches the transmission between transmitter 202 and receiver 204 via *n* channels 206 shown in Figure 5.

Sinha also teaches the deinterleaving and decoding performed within receiver 204 of Figure 5 upon reception of signals from the transmission channels 206 as spoken of on column 7, lines 31-38.

Sinha also teaches the declassifier 224 of Figure 5 that reconstructs (combines into single stream) packets from the bit streams as spoken of on column 7, lines 38-40.

Sinha also teaches the decoding of the audio packets (single stream) by decoder 226 (device) into the original audio signal, as well as column 3, lines 27-29, which states that the system of Figure 5 can be applied to video and image information as well.

Sinha as well as the other prior art of record does not teach “wherein an embedded function located between an application layer and a transport layer is configured to initiate the intercepting the application call initiating the file stream” and “wherein the embedded function is configured to identify bits that must be correctly received by a receiving device for a successful transmission, to identify bits to be discarded or transmitted via lossy compression techniques without detectable signal degradation, and to negotiate quality of service parameters for each of a plurality of file streams” in combination with the other limitations of claim **14**.

Regarding claims **16-21**, these claims are further limiting to claim **14** and are thus also allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chung et al. (U.S. 7,190,732) and Saifuddin et al. (U.S. 7,159,164) are additional references considered pertinent to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached at (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mjm *HM*

Michael J. Moore, Jr.
Examiner
Art Unit 2619

Wing F. Chan
10/26/07
WING CHAN
SUPERVISORY PATENT EXAMINER